

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ARNOLD ANDERSON,

**Plaintiff**

V.

GILBERTO VALENZUELA, et al.,

## Defendants

Case No.: 2:17-cv-02070-APG-NJK

**DISTRICT COURT'S RESPONSE TO  
NINTH CIRCUIT'S REFERRAL  
NOTICE  
[ECF Nos. 12, 19]**

8 The Ninth Circuit Court of Appeals has referred to me the question whether Mr.  
9 Anderson’s “in forma pauperis status should continue for this appeal or whether the appeal is  
10 frivolous or taken in bad faith.” I cannot determine whether this appeal is taken in bad faith. 28  
11 U.S.C. §1915(a)(3). However, the appeal appears to me to be frivolous. Whether that is a  
12 sufficient basis to revoke in forma pauperis status under the language of 28 U.S.C. §1915(a)(3), I  
13 leave to the Ninth Circuit to decide. Cf. *Hooker v. American Airlines*, 302 F.3d 1091 (9th Cir.  
14 2002).

15 This response is directed to the Ninth Circuit pursuant to Federal Rule of Appellate  
16 Procedure 24(a). The clerk of court shall serve this response upon the parties and the Ninth  
17 Circuit.

DATED this 27th day of July, 2018.

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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE